

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company, San Diego Gas & Electric Company, and Southern California Edison Company and the effect of these programs on energy prices, other demand responsiveness programs, and the reliability of the electric system.

Rulemaking 00-10-002  
(Filed October 5, 2000)

Phase 2

**PRESIDING OFFICER AND ASSIGNED COMMISSIONER'S RULING  
GRANTING MOTION FOR FULL 30-DAY COMMENT PERIOD  
ON MARCH 14, 2002 DRAFT DECISION**

On March 19, 2002, a motion was filed and served by the California Large Energy Consumers Association, the California Manufacturers and Technology Association, and the California Industrial Users. Moving parties seek a full 30-day comment cycle on the March 14, 2002 Phase 2 Draft Decision (DD), with 20 days to provide comments on the DD, and 5 days to provide reply comments. No responses have been received. The motion is granted.

**1. Background**

A shortened comment cycle was adopted based on recommendations of parties. For example, on August 31, 2001, moving parties filed a Phase 2 prehearing conference statement in which they proposed 9 days before the filing of comments on the DD, and 14 days before filing reply comments (i.e., in the proposed no hearing schedule). On August 31, 2001, Pacific Gas & Electric Company filed a Joint Case Management Statement that generally reflected discussions between several parties, including two of three moving parties. The

Joint Case Management Statement recommended 7 days before filing comments on the DD, and 7 days for filing reply comments (i.e., no hearing schedule).

The September 21, 2001 Phase 2 Scoping Memo adopted a shortened comment cycle for the no hearing schedule generally consistent with the recommendations. The adopted shortened comment cycle provided 11 days before the filing of comments on the DD, and 5 days for filing reply comments (recognizing non-business days, it became 7 days for reply comments). Parties were given 7 days from the date of the Phase 2 Scoping Memo to file a motion for reconsideration of the adopted shortened schedule, or the schedule would be treated as one to which all parties stipulated. No motions were filed.

No hearings were held on Phase 2 issues. The draft decision was filed on March 14, 2002. The Draft Decision explains the reasons in Chapter 9 for expedited consideration of the decision. The reasons are not only that all parties stipulated to the reduced schedule, but that public necessity requires reduction in the 30-day period for public review. (Rule 77.7(f)(9).) Pursuant to instructions from Assistant Chief Administrative Law Judge Philip Scott Weismehl in the letter of transmittal, comments on the draft decision are due 11 days after the filing date of the Draft Decision, and reply comments are due 4 days later.

Moving parties now assert that they “are very interested in the changes proposed in the DD and would like the opportunity to review the DD carefully and to provide comments on those changes.” (Motion, page 1.) Moving parties seek to submit comments that will “assist the Commission to achieve reasoned decisionmaking.” (Motion, page 1.)

## **2. Discussion**

It appears that circumstances may have changed from those that existed when the Phase 2 Scoping Memo was filed. For example, interruptible programs

and curtailments have not been used to the extent once thought potentially necessary to balance supply and demand. (See Decision 02-03-024.)

Given these generally changed circumstances, granting the motion will provide a better opportunity for parties to assist the Commission reach a final decision. That objective should be promoted.

Granting the motion may, however, have a few adverse effects. For example, it may delay ending the bill limiter, initiating the Pilot Base Interruptible Program (PBIP), providing essential customer status for skilled nursing facilities (SNFs), notifying water and sewer utilities of Category H, conducting tests of Category H notification procedures, and initiating the extreme temperature program. In adopting the final decision, the Commission might consider ways to mitigate potential adverse effects, if any, such as reducing the time before some orders take effect.

For example, PBIP tariffs might become effective in 5 rather than 10 days, essential customer status for SNFs might become effective in 15 rather than 30 days, notification of Category H might be required within 30 rather than 45 days, the test of Category H notification procedures might be required in 105 rather than 120 days, and notification to customers of the extreme temperature program might be required within 45 rather than 60 days. Parties should address these and other ways to mitigate potential harm, if any, in comments and reply comments.

**IT IS RULED** that:

1. The March 19, 2002 motion of California Large Energy Consumers Association, the California Manufacturers and Technology Association, and the California Industrial Users is granted.

2. Comments on the March 14, 2002 Phase 2 Draft Decision shall be filed and served by April 3, 2002. Reply comments shall be filed and served by April 8, 2002. Parties shall address in comments and reply comments ways to reduce adverse effects, if any, caused by granting the motion.

Dated March 20, 2002, at San Francisco, California.

/s/ CARL WOOD  
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Carl Wood  
Presiding Officer and  
Assigned Commissioner

**CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Presiding Officer and Assigned Commissioner's Ruling Granting Motion for Full 30-Day Comment Period on March 14, 2002 Draft Decision on all Phase 2 parties of record in this proceeding or their attorneys of record.

Dated March 20, 2002, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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